

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Joseph Baldonado

Defendant(s)

Case No.

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO
 JAN 25 2016
 MATTHEW J. DYKMAN
 CLERK
 16mj272

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/22/2016 in the county of Valencia in the
 Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 USC 841 (a)(1), (b)(1)(B)

Offense Description

Possession with Intent to Distribute 50
 grams or more of a mixture or substance
 containing methamphetamine.

This criminal complaint is based on these facts:

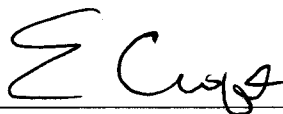
*** See Attached Affidavit of Special Agent Erin Croft ***

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

January 23, 2016

City and state: Albuquerque, New Mexico


Complainant's signature

Special Agent Erin Croft

Printed name and title



Judge's signature

U.S. Magistrate Judge Karen B. Molzen

Printed name and title

AFFIDAVIT OF SPECIAL AGENT ERIN CROFT:

1. I, Erin Croft, Special Agent (SA), Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, do depose and hereby state the following:
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516. I have been employed by the DEA since January 2004. I am empowered to investigate, to make arrests with or without a warrant and to execute search warrants under the authority of Title 21 U.S.C. § 878.
3. This affidavit is made in support of the issuance of a Criminal Complaint charging Joseph BALDONADO with violation of Title 21 U.S.C. Sections 841(a)(1),(b)(1)(B), possession with the intent to distribute 50 grams or more of a mixture or substance containing methamphetamine, a schedule II controlled substance. Because this Affidavit is written for the limited purpose of setting forth probable cause for the requested criminal complaint, I have not included every fact known to me through this investigation. I have set forth those facts I deem necessary to establish probable cause of the above listed offense.
4. On January 5, 2016, Joseph BALDONADO was contacted by an undercover (UC) officer to purchase two ounces of methamphetamine for \$1,600 U.S. Currency. BALDONADO agreed to meet with the UC the following day and told the UC he would get the methamphetamine from his friend and wait for the UC to call.
5. On January 6, 2016, at approximately 2:04 PM, the UC was contacted by BALDONADO. The UC told BALDONADO that the UC was ready to meet with BALDONADO. BALDONADO told the UC that he had to pick the methamphetamine up and would call the UC in 15 to 20 minutes. BALDONADO agreed to meet the UC at the Giant Gas Station located at 233 Main Street SE, Los Lunas, New Mexico.
6. At approximately 2: 44 PM, the UC received a call from BALDONADO asking the UC to meet him at the Hip Hop Shop located at 3419 Highway 47, Los Lunas, New Mexico instead.
7. At approximately 2: 53 PM, surveillance observed the UC arrive at the Hip Hop Shop and park next to a dark colored truck bearing New Mexico license plate 05714UNM, registered to Joseph BALDONADO. Surveillance observed the UC exit the UC vehicle and walk over to BALDONADO's truck.
8. The UC stated when the UC walked up to BALDONADO's truck there was a Hispanic male seated in the passenger seat so the UC walked to the driver's side and made contact with BALDONADO through the driver side window. The UC handed BALDONADO \$1,600 U.S. Currency. The UC stated BALDONADO took the U.S. Currency and asked if all "16" was there and the UC confirmed it was. The UC stated the UC observed the Hispanic male who was seated in the passenger seat purchase what the UC knew to be heroin, based on the UC's training and experience. The Hispanic male exited the vehicle after purchasing the heroin. After the Hispanic male exited the truck the UC walked around to the passenger side and entered BALDONADO's truck. At that time the UC observed BALDONADO count the \$1,600 U.S. Currency. BALDONADO then handed the UC two clear plastic bags containing

a white crystalline substance. The UC asked BALDONADO if each bag contained an ounce and BALDONADO confirmed the amounts.

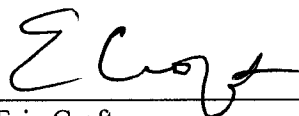
9. At approximately 2:57 PM, surveillance observed the UC exit BALDONADO's truck and return to the UC vehicle. I later weighed the two clear plastic bags containing the white crystalline substance and obtained a weight of approximately 58.2 grams. I also performed a field test of the white crystalline substance in one of the bags and obtained a positive result for the presence of methamphetamine.
10. On January 12, 2016, the UC made contact with BALDONADO and asked BALDONADO if he had any "work," meaning methamphetamine, and BALDONADO stated he had plenty. BALDONADO asked the UC if the UC wanted the same as last time, referring to the prior purchase of two ounces of methamphetamine. The UC confirmed that the UC wanted two ounces again. BALDONADO told the UC he would contact the UC once he had the methamphetamine.
11. At approximately 4:31 PM, the UC received a call from BALDONADO. The UC told BALDONADO that the UC was ready to meet BALDONADO. BALDONADO told the UC to meet him at the Hip Hop Shop located at 3419 Highway 47, Los Lunas, New Mexico. The UC told BALDONADO that the UC would contact him once he arrived at the Hip Hop Shop.
12. At approximately 5:09 PM, the UC contacted BALDONADO and told him that the UC was at the Hip Hop Shop. BALDONADO told the UC to come meet him at a residence and directed the UC to a residence located at 19 Vegas Road, Los Lunas, New Mexico.
13. At approximately 5:15 PM, the UC received a call from BALDONADO further directing the UC to the residence located at 19 Vegas Road, Los Lunas, New Mexico. As the UC arrived at the residence, the UC observed BALDONADO was the sole occupant of his black truck, bearing New Mexico license plate 05714UNM, which was backed into the residence located at 19 Vegas Road, Los Lunas, New Mexico. The UC met with BALDONADO through the driver's side window of his truck and handed BALDONADO \$1600 U.S. Currency. BALDONADO took the money from the UC and removed the rubber band and commented to the UC that all the bills were fifties. The UC observed while BALDONADO was looking at the money that BALDONADO was using a police scanner that was lying on the dash of the truck. BALDONADO handed the UC two clear plastic bags containing a white crystalline substance. The UC took possession of the two bags and went back to the UC vehicle and departed the residence at approximately 5:18 PM. The UC described the residence located at 19 Vegas Road, Los Lunas, New Mexico as a residence that appeared to be being torn down. I subsequently weighed the two clear plastic bags which weighed approximately 58.8 grams in the original packaging. I also performed a field test of the white crystalline substance in each bag and obtained a positive result for the presence of methamphetamine.
14. On January 22, 2016, at approximately 1:16 PM, the UC was in contact with BALDONADO regarding purchasing two ounces of methamphetamine. BALDONADO told the UC to meet him at his friend's place located by the Hip Hop Shop again. The UC agreed to meet BALDONADO there. The residence was previously identified on January 12, 2016 as 19 Vegas Road, Los Lunas, New Mexico.
15. At approximately 1:46 PM, surveillance observed the UC arrive at 19 Vegas Road, Los Lunas, New Mexico and park on the street. Approximately three minutes later surveillance observed BALDONADO's truck bearing New Mexico license plate 05714UNM arrive at the

residence. Surveillance observed the gate to the property was opened and BALDONADO backed his truck onto the property and the UC pulled onto the property with BALDONADO. The UC exited the UC vehicle and met with BALDONADO outside the driver side of his truck. The UC provided BALDONADO with \$1,600 U.S. Currency and BALDONADO provided the UC with a clear plastic bag containing a white crystalline substance. At approximately 1:53 PM, surveillance observed the UC enter the UC vehicle and exit the property located at 19 Vegas Road. The plastic bag containing the white crystalline substance was later weighed by SA Julie Olmsted with an approximate weight of 57.2 grams. SA Olmsted performed a field test of the white crystalline substance and obtained a positive result for the presence of methamphetamine.

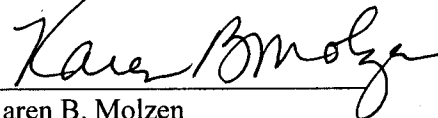
16. Once the UC was away from the property, at approximately 1:56 PM, agents entered the property to arrest BALDONADO. At approximately 1:58 PM after calling BALDONADO to exit the residence, BALDONADO was taken into custody without incident.
17. Based on the foregoing, I believe that probable cause exists that Joseph BALDONADO, between the dates of January 6, 2016 and January 22, 2016, did unlawfully, knowingly, and intentionally possess with the intent to distribute 50 grams or more of a mixture or substance containing methamphetamine, a schedule II controlled substance contrary to Title 21 U.S.C. Sections 841(a)(1),(b)(1)(B).

This Affidavit was reviewed and approved by Assistant United States Attorney Kimberly Brawley.

Subscribed to and sworn before me this ___rd day of January 2016 in Albuquerque, New Mexico.



Erin Croft
Special Agent
Drug Enforcement Administration



Karen B. Molzen
United States Chief Magistrate Judge